

INTERNATIONAL DRUG CONTROL

Existing Methods and Proposed Solutions

by

C. K. CRANE

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INTERNATIONAL DRUG CONTROL

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By C. K. CRANE

PERHAPS the most illuminating and useful contribution in recent years to the literature for the layman on the subject of the international narcotic problem is John Palmer Gavit's "Opium."¹ In the "Foreword" to his book, Mr. Gavit says:

"The world is slowly coming to recognize the existence of a world problem and a world task of the first magnitude, momentously important and exceedingly difficult, demanding complete international unity of intelligence and administrative co-operation.

"The complex nature and the obstinacy of the problem were vividly disclosed in the great International Opium Conferences held under the auspices of the League of Nations at Geneva from November 3, 1924, to February 19, 1925. To anyone who, whether as participant or as attentive spectator, sat for all those weeks in the midst of those gatherings of the nations, observing the interplay and conflict of diverse interests and opinions, it is no source of surprise that the people of all the nations represented or unrepresented therein, were bewildered by the conflicting and frequently unintelligible reports which emanated from them. The writers of those reports were not only more or less subject to the national bias and prejudices of their respective allegiances and a certain abiding jealousy of supposedly conflicting political and commercial interests; they were also more or less confused and bemuddled by lack of familiarity with an exceedingly intricate and baffling subject. In that respect they were no worse off than all except a very few of the delegates to the conferences!"

The purpose of this pamphlet is not to make a most intricate problem appear to be simple, but rather to give

1. Published by George Routledge and Sons, London, 1925. Mr. Gavit was formerly Managing Editor of the *New York Evening Post*, Chief of the Washington Bureau of the Associated Press, etc.

to the layman the high lights of the opium problem, shorn as much as possible of its political, diplomatic and economic complexities.²

I. THE THEORETICALLY BEST SOLUTION

The ideal solution of the problem was first crystallized in international thought in the principle enunciated by the United States delegation to the May, 1923, session of the Advisory Committee on Opium of the League of Nations³ which, in effect, was as follows:

The production of raw opium must be controlled in such a manner that there will be no surplus available for manufacture into drugs over and above the world's medical and scientific requirements.

Obviously, if this principle could be applied effectively it would be accepted by common consent as the best solution. Then narcotic addiction, whether by eating or smoking opium as in Eastern countries⁴ or by the

2. Although the opium poppy and opium, together with morphine, heroin and other drugs derived from opium, are here particularly dealt with, the problem of the coca leaf, from which comes cocaine, is almost parallel; it received equal consideration at the Geneva Conferences and is of secondary importance only because relatively there is but little cocaine addiction.

3. When the League of Nations was formed, and owing to a provision in its Covenant, the Netherlands Government ceased to be the medium of communication for those signatories to the Hague Convention that were also members of the League. In respect to such countries, this function was taken over by the League. Countries like the United States, who are signatories to the Hague Convention but not members of the League, send and receive reports and information (and other communications, as a rule, although direct communication between the signatories is permitted) through the Netherlands Government which, for such countries, acts as a medium of communication between them and the League. The United States also cooperates "in a consultative capacity" with the "Advisory Committee on Traffic in Opium and Other Dangerous Drugs" (Advisory Committee on Opium) created by the League, and our delegates to the Second Geneva Opium Conference of 1924-25 even had full powers to sign the Convention to that Conference had they seen fit. We were not represented at the First Conference, which concerned itself with the suppression of opium smoking—the representatives being only of those countries where or in whose colonies this custom prevailed.

4. However, morphine and heroin have become increasingly used in China in recent years, the devotees of these products of Western civilization being numbered in scores of thousands—according to the Pekin International Anti-Opium Association.

use of manufactured drugs, as in our Western civilization, *must* cease. There can be no addicts if there are no narcotic drugs available to create them. Then, too, a minimum of laws would be required, institutions would be done away with and public expenditure reduced to a negligible amount. Furthermore, since criminal experts estimate that at least fifty per cent of our addicts resort to crime as a means of obtaining money to purchase their supplies, the indirect annual saving in this country alone could certainly be estimated in the millions of dollars.

II. WHY THIS SOLUTION IS NOT POSSIBLE OF ACHIEVEMENT FOR MANY YEARS

In a matter of this nature an agreement that would be binding on all countries save one would be little better than no agreement at all. Neither individuals nor countries will deny themselves for a principle or cause if another, unrestrained by similar considerations, is to profit by a world monopoly. Thus it is that this ideal solution is not possible of achievement because it is, and doubtless for some years will continue to be, quite impossible for China in her existing chaotic and ungovernable state to bind herself to enforce the measures necessary to control her poppy production. For this reason if for no other, the plan to "pull up the poppies" cannot be considered today any more than at the Geneva Opium Conferences of 1924-25.

Persia is one of the largest producers of opium in the world. While the opium revenue of Persia is only 8.9 per cent of her total revenue, this figure does not give a true representation of the importance of the industry to her. For example, her opium exports constitute from 20 per cent to 25 per cent of her total exports, exclusive of oil. In one city of 80,000 population it is estimated that "at least 25 per cent of the population is dependent to a considerable extent on the opium trade. In many provinces opium is practically the only crop which yields

cash returns in any way commensurate with the labor of cultivation.”⁵ Gavit goes so far as to say that the statement might apply to Persia that if you take away the culture of the poppy, you take away the people’s means of living.

The Persian Government has recently announced its intention of recommending to Parliament a plan whereby Persia would undertake, following three years of preparation, to reduce her poppy acreage “at the rate of 10 per cent of the quantity remaining at the end of each year,” with a reservation that after the plan has been in effect for three years the position will be reconsidered, taking into account, among other factors, what action towards curtailment has meanwhile been taken by not only the other producing countries but also by the manufacturing countries. Even should the plan become operative, and for an indefinite period, *Persia’s poppy acreage would still, after ten years, be only reduced by 52 per cent.*⁶

Turkey, the largest producer of opium most suitable for manufacture into drugs, is neither a signatory to the Hague Convention⁷ nor a member of the League of Nations, therefore her cooperation in any plan to “pull up the poppies” could at best only be expected to be lukewarm, especially in view of the great commercial benefits this industry has and would continue to have for her.

A further obstacle that stands in the way of achieving the ideal solution is the fundamentally sound principle of non-interference with any country’s rights as regards its own consumption of narcotics. The American Dele-

5. Persian Memorandum, Records, Second Conference, Vol. II, page 194, ff.

6. Persia’s contemplated action is the result of the recommendations of the Commission appointed by the League to study the possibility of crop substitution in Persia. This question will be discussed at the League Assembly this September. See Minutes, 6th Meeting, 44th Session, League of Nations Council.

7. By the Treaty of Lausanne, which she ratified in August, 1924, Turkey undertook to adhere to the Hague Convention. Nevertheless, up to January, 1927, she had not done so.

gation to the Second Geneva Conference "repeatedly said (in connection with India) that it did not propose that any country should be prevented from consuming opium or coca leaves within its own borders in any way that it might see fit."⁸ In matters of principle our Delegation was perhaps the most unyielding of any at Geneva and with added assurance, therefore, it may be assumed that the producing countries would see to it that their rights in this respect were not interfered with. If these rights were generally acknowledged it might be difficult to determine in the case of some countries whether the entire amount produced was actually used for domestic purposes and legitimate export and did not find its way eventually into illicit channels.

Furthermore, there is always the question whether any further effort in the direction of the ideal solution of uprooting the poppy would be worth while, inasmuch as substitutes for morphine and heroin will in all probability be manufactured synthetically in the not distant future. Should these synthetic drugs be low in price, the growth of the poppy for legitimate drug manufacture would automatically cease. Approximate substitutes for cocaine are already on the market, some of them widely used, and it is reasonable to predict that modern chemistry will soon perfect identical substitutes for the drugs derived from opium. There would, to be sure, be quite a different effect on the situation resulting from the introduction of habit-forming substitutes than would be the case should they be harmless—but that is another story.

If we suppose for the moment that all the obstacles enumerated above did not exist, there would still remain the fact that the full effect of this plan would not be felt for many years—as witness the prolonged period of time involved in the program of crop substitution that Persia has tentatively offered as the best she can do in the matter.

8. "Opium as an International Problem," Professor W. W. Willoughby, Johns Hopkins Press, 1925. Footnote to page 460. See also Records, Second Conference, Vol. II, p. 174.

III. THE COMPROMISE PLAN NOW IN OPERATION

Sufficient reasons have been given to show why the adoption of the above plan is not now and has not in the past been possible. For many, though not all, of these reasons and for a great many other complex reasons involving politics, economics, national prejudices and commercial greed, the Geneva Conferences of 1924-25 were obliged to turn their attention in other directions in their efforts to make progress on this world problem.

Before proceeding to what would appear to be the most practical solution of the problem, let us see what steps actually were taken at Geneva. The Second and principal Convention provides for a Central Board whose duty, among others, it would be to administer effectively certain measures which the Advisory Committee on Opium had (since its establishment in 1920) been formulating and more or less carrying out through the medium of the Secretariat of the League of Nations. The Committee had made considerable progress (particularly towards the clarification of the problem to be solved and by shedding much light on the illicit traffic) as a result of these measures, which in the main were:

(a) The collection of statistics as to the world's cultivation, production and manufacture of opium and other dangerous drugs.^{9, 10} Obviously of fundamental importance in the comprehensive study of the world situation and in the formulation of a policy are "What quantities are being produced and manufactured?" and "What quantities are actually required?"

(b) A determination of the amounts of raw materials and manufactured drugs required for medical and scientific purposes in the different countries.^{9, 11}

9. Recommendations 2, 3, and 4. Report of First Session, Advisory Committee on Opium.

10. Chapter VI, Art. 22, Convention of Second Conference.

11. Ibid, Art. 21.

(c) The collection of detailed information as to the movements of opium, coca leaves and manufactured drugs between all countries.^{9, 10} It was well known that some countries received drugs greatly in excess of their needs, and, furthermore, that this oversupply was eventually reaching other countries—even those having the strictest import laws—by being smuggled in.

The collection and publication of this information is of the utmost importance, as the following facts chosen from among many contained in a League document¹² strikingly illustrate.

During the year ending May 10, 1925, there were shipped from Bushire, Persia, 4,489 cases, or approximately 346 tons, of Persian opium—the declared destination being Vladivostock. It is definitely known that 3,558 cases, or approximately 273 tons, never reached Vladivostock. At the very highest estimate, the total conceivable medical and scientific needs of the world are 786 tons of raw opium per year.¹³ In these particular shipments alone at least one third of a year's requirements conveniently lost their way!

(d) The collection and dissemination of information regarding seizures of illicit shipments.¹⁰ It was realized that information regarding such seizures would be of value, especially to the countries directly or indirectly concerned.

(e) The perfection and effective execution of the system of import certificates and export authorizations¹⁴ originally conceived and to a small extent made effective by the Hague Convention of 1912.¹⁵ The complete adoption of this system would insure that narcotic substances could be exported from any country only after

12. Report, Seventh Session, Advisory Committee on Opium, Annex 4.

13. Gavitt, *op. cit.*, pp. 36-37.

14. Unlike the preceding measures, this is not a function of the Central Board.

15. Art. 13, Hague Convention and Chap. V, Convention of Second Geneva Conference.

the production (to the authorities) by the exporter of a license from the government of the importing country approving the importation. The wisdom of this system and the practical benefits to be derived from it have been quickly realized by certain countries,¹⁶ who, although not yet adhering to the Second Geneva Convention, have nevertheless accepted and put into force this system. On the other hand, some countries who have adhered to the Hague Convention of fifteen years ago have not yet put the system into force.

(f) The policy, whether or not it was so labelled, that the publication of the cumulative information that is being gained from the statistics which, from year to year, are coming in more comprehensively and from more countries, would eventually so enlighten the public opinion of the world that more concerted and better directed effort would be made to eradicate the existing evils. M. Zahle, President of the Second Conference, in his final speech strikingly demonstrated the value of such publicity, as it affects one of the phases of the broad problem, when he said:

“Should statistics prove that any nation’s territory is being used for an importation grossly in excess of its needs and obviously a danger to others, the Central Board can recommend the cessation of shipments to that nation. The mere threat of such action and the mere danger of an aroused world opinion should constitute an almost irresistible weapon which it may be expected will never have to be used.”

It is important to bear in mind that publicity is the one thing that the illicit trade and all the other underground forces most dread.

IV. WEAKNESSES OF THIS PLAN

The above measures, which in the main constitute present international effort, are certainly good as far as they go, but it was well recognized at Geneva that they

16. Including the United States. In February, 1927, Turkey, Persia and China were notable exceptions.

represent only a compromise and are to a large extent merely stepping stones to a more effective policy. They do not go sufficiently to the roots of the matter, nor are they as fundamental or comprehensive as those in the discarded plan to "pull up the poppies."

Unfortunately, these measures still lack the "teeth" necessary to make them really effective. Ratification of the Second Convention is necessary, but the signatory Powers have been strikingly dilatory over the matter.¹⁷ However, the prospects of sufficient ratifications to make the Convention operative are at present much brighter than at any time since it was framed.

An additional weakness in the present plan is that the value of the statistics being collected is considerably lessened owing to the existing delays in their receipt and subsequent publication. Many countries are dilatory in this respect (some without doubt purposely so), distances are great and the required channels of communication slow. As to the Annual Reports,¹⁸ similar delays are greatly affecting their usefulness. Persia, for example, a key country, has submitted no such report since 1922.

V. A PROPOSED SOLUTION

Since Eastern countries, including large producing and consuming countries like India and China, cannot be denied their right to consume opium however they choose within their own borders, it follows that the problem narrows itself to consideration of the remaining surplus and the drugs manufactured from that large sur-

17. The signatories who, up to March, 1927, had ratified are Great Britain, India, Australia, New Zealand, the Union of South Africa, the Sudan, Portugal, Salvador and Bolivia. This is especially significant because the Convention contains the difficult provision that it will only become operative when ratified by ten signatories, of which two must be permanent members of the Council of the League and five others non-permanent Council members. (See Arts. 19 and 36). The only Council members who had ratified at that date were Great Britain and Salvador—permanent and non-permanent members respectively.

18. Contemplated by both the Hague and the Second Geneva Conventions, and to contain comprehensive and detailed information regarding the cultivation, production, manufacture and movements of narcotic substances.

plus. Therefore, the League's invitation to the Second Conference¹⁹ indicated that its purposes were to conclude agreements:

- (1) To limit the production of raw opium and coca leaves for export to the amounts required for medical and scientific purposes.²⁰
- (2) To limit the amounts of drugs "to be manufactured";²¹ and, somewhat as a corollary thereto, to limit the amounts of raw materials that might be imported for such manufacture "and for other medical and scientific purposes."

The fate of the deliberations over (1)—limitation of production—has been seen. What became of (2)—limitation of the drugs to be manufactured? First, however, what are its advantages and possibilities of accomplishment?

The world's medical and scientific requirements of morphine, heroin, cocaine and their derivatives are now known with reasonable accuracy. Therefore, if the manufacture of these drugs could be entirely and absolutely under international and governmental control and limited to the world's requirements, a far more fundamental and comprehensive solution would be reached than by the measures now in operation, and one that would certainly appear to be more possible of achievement than limiting the production of raw materials. *Effectually limit the amount of drugs manufactured to the legitimate requirements and there will not—cannot—be any surplus for the illicit trade.*

This plan has the very great advantage that it might be put into operation without awaiting the cumulative effect of the reduction of the world's opium supply over a long period of years.

19. Resolution VI. Assembly of the League of Nations, September 27, 1923.

20. This was to give effect to the generally accepted American principles stated early in this article, although the latter mentioned "the control" rather than "the limitation" of production.

21. This policy had been previously adopted by the League on the recommendation of the Advisory Committee.

Another advantage of this plan is that if synthetic substitutes should be discovered, either while the plan was being worked out or after it had been put in operation, the progress made would not be negated, as we have seen would tend to be the case if the discovery came while the plan of limiting the production of opium was under way. Obviously, the establishments turning out these synthetic products would be subjected to the same complete and absolute governmental control as the existing factories. The disposition of the raw materials now used in the manufacture of drugs would not present an insurmountable problem, for under this plan there would be no factories available in which to manufacture them into drugs destined for the illicit trade.

It will at once be asked: "Would not 'moonshining' be quickly resorted to as an outlet for the surplus raw material?" It is most fortunate that the world's 40 or 50 factories, or more accurately pharmaceutical laboratories, are and must needs be large, expensively equipped and under very scientific supervision. Therefore, moonshining plants, because much too large to be hidden in cellars, would not long escape detection, and the risk of confiscation of the costly equipment would perhaps be an added deterrent. These facts largely preclude the possibility of moonshining to any dangerous extent, especially in non-producing countries where an illicit supply of the bulky raw material would be necessary.

The institution of this plan to limit the manufacture of drugs would neither supplant nor interfere with the procedure now in operation; nor, in fact, would it lessen the need for such results as are being obtained under it.

In October, 1926, the United States Government addressed a Note to all countries adhering to the Hague Convention which shows the importance this Government at last is attaching to the control of manufacture. It is most significant that the Note omitted all reference to the problems of poppy growth and opium smoking

and confined itself to requesting the other Hague Convention countries to limit the manufacture of drugs as conscientiously and efficiently as we do—to the end that there will be no surplus for the illicit trade.

VI. DRAWBACKS TO THIS SOLUTION

A major obstacle in the way of this plan's achievement is the effect that it would have on many of the continental commercial interests engaged in the manufacture of drugs.

As we have seen, consideration of the possibilities of limiting the manufacture of drugs was one of the principal purposes for which the Second Geneva Conference was called, though it should be noted that the invitation only referred to "limitation of the amount of morphine, heroin or cocaine and their respective salts to be manufactured" and not to a limitation of such amounts to the world's medical and scientific needs. Clearly, if the world's annual requirements of morphine, are, for example, say, 27,000 lbs., little if anything is gained by "limiting the amount to be manufactured to 75,000 lbs. or even 50,000 lbs. Therefore, the real desire was undoubtedly to limit output, not to certain purposes but to the amounts required for those purposes; the Sub-Committee appointed to deal with this phase of the matter clearly recognized that such were the hopes that were entertained.²² It is all the more remarkable that nothing was done about it; that is, not a thing was done to limit the output to the requirements.²³ Article V of the Convention

22. "The Sub-Committee recognizes that the scheme which it now submits for the approval of the Conference may not fulfill as completely as could be wished the hopes which were entertained in many quarters that an effective scheme would be worked out by the Conference for limiting the amounts of the drugs manufactured to the quantities actually required for the world's medical and scientific needs." Records, Second Conference, Vol. I, page 473.

23. No drug manufacturing country except Great Britain and the United States agreed to the plan proposed by the Advisory Committee, namely: that each country should announce at the beginning of each year its annual requirements for medicine and science, and that it should abide by this figure unless extraordinary circumstances demanded a change.

does provide that the Contracting Parties shall enact laws to limit manufacture exclusively to medical and scientific *purposes*, but it makes no provision for limitation of the total *amount* to be manufactured.

Authorities largely concur in the opinion that commercial greed is at the bottom of it—underneath “national” interests—and that the pressure which continental manufacturers were able to exert at Geneva had much to do with the fate of this plan.

The fact is illuminating that a certain continental country acknowledged the manufacture of an average of 1.4 tons of cocaine in two recent consecutive years. Although that country’s medical requirements of cocaine, based on the Advisory Committee estimates, are only 28-1000ths of one ton, *no export of cocaine was reported!* What became of the surplus?²⁴

These drugs cannot be left to ordinary commercial competition wherein the manufacturers of any one country would be practically free to compete for the *entire* market should their government be slack in international cooperation. It is essential that the drugs be entirely and absolutely under governmental control.

The other immediate difficulty, a very great one and one that has been made full use of by the commercial interests, is the problem of how the world’s legitimate market would be divided up among the manufacturing countries; that is, how would their export trade be apportioned?

How knotty a problem this is may perhaps be best indicated by stating the objections that are raised to some of the solutions that have been suggested.

If the apportioning were based on present output, those manufacturers throughout the world whose business has been bona fide would be up in arms because the lion’s

24. Gavit, op. cit., pages 45-46.

share of the trade would go to those other manufacturers whose illegitimate trade (camouflaged but supplemented by their legitimate trade) had been greatest.

The suggestion that each country manufacture its own requirements and no more, would seem impossible for obvious financial reasons, and dangerous because of the increased possibilities of leakage from factories in small countries where government control would be weak.

A pool of all the manufacturers has been suggested as still another method of arriving at an equitable apportionment. Since the objection to such a pool is also and quite independently a drawback to what we have considered to be the most practical solution of the major problem, it is mentioned separately. In a pool, the manufacturers would rightly object that neither they, their respective governments nor the League of Nations would be in a position to ensure that no drugs would be manufactured (to supply the illicit trade) in some country, like Russia, which had neither adhered to the plan nor was a League member, and that it would be next to impossible to prevent drugs so manufactured from finding their way to the Western world. Pool or no pool, there appears to be no force, save public opinion, that could prevent an "outside" country from manufacturing for the illicit trade. Persia's intimation at the Second Conference that under certain conditions²⁵ she might be obliged to set up a factory within her own territory is in some respects a case in point; China is not in a position to enforce any agreement she might honestly wish to undertake regarding manufacture, and the position of some areas like the Native States of India is obscure.²⁶

25. "When the suggested restrictions on opium shipments in British bottoms first became known, tentative proposals were submitted for the establishment of a factory for the conversion of opium into morphine and other opium derivatives." Persian Memorandum, Records, Second Conference, Vol. II, page 196.

26. In this connection it should be borne in mind that although up to the present the opium of China and India, whether British India or the Native States, has been very little used for the manufacture of drugs owing to its low morphia content, it is nevertheless entirely possible to so use it; in fact, in

The recent American Note to Hague Convention adherents, previously mentioned, may prove to be productive of much good, but even should our fellow adherents turn over a new leaf there is nothing to prevent the establishment of factories in "outside" countries.

These drawbacks can by no means be ignored, but at the same time they appear far less formidable than those presented by the other plans. The utmost possible international cooperation, increased collection and dissemination of statistics and information, and a resultingly greater world sentiment will be the strongest weapons in overcoming these drawbacks. Very especially, too, must the drug manufacturers themselves be brought by pressure of both public opinion and governmental action to solve the commercial problems that the export market presents. They can no longer be allowed to evade the issue.

VII. CONCLUSION

So we have three plans; that of pulling up the surplus poppies—which is definitely impossible for some years to come; that of clarifying the problem to be solved and taking measures directed against the illicit traffic—the plan of limited scope now in operation; that of limiting the world output of manufactured drugs—an effective plan, not without large difficulties, but nevertheless one that would appear possible of achievement, and with a minimum of delay.

The Geneva Conferences had the invaluable effect of bringing this vast narcotic problem into the limelight, but it must be kept there and it is only by a constantly increasing volume of public opinion, awakening the

1924 about two tons of crude morphine were shipped from the Indian Government factory to the High Commissioner for India, London, "for disposal for strictly and bona fide medical purposes." (League document O. C. 415, page 5.) It may be mentioned that early in 1926 British India made the very important and quite voluntary decision to abolish the export of opium for smoking and eating purposes cumulatively and totally by 1936.

world to the dangers of the situation and creating enlightened and intelligent interest, that the problem can be eventually solved.

NOTE. Since this article was written there have been two important developments. The Advisory Committee, in February, 1927, passed a resolution asking that thorough inquiries be made by the governments of all countries in which drugs are manufactured, with a view to discovering FROM WHOM and by what method the illicit traffickers procure their supplies. However, resolutions of the Committee are merely recommendations, on which the various governments are under no obligation to act. It is, therefore, very doubtful whether any direct good will result immediately, as certain countries will naturally be very loath to lay bare a self-incriminating situation. On the other hand, their failure to report at all would be perhaps equally damning in the eyes of the world—if aroused.

The other important development is that by May 1st Czecho-Slovakia had ratified the Second Convention and had deposited her ratification at Geneva; France and Poland had also ratified but their ratifications still lacked the necessary deposit with the League. These three countries are all Council members, and since it is reasonable to assume that the ratifications of France and Poland will in due course become effective, they make, with Great Britain who deposited her ratification over a year ago, and Salvador last winter, five of the necessary seven ratifications by Council members, consequently making it very probable that the Convention will after all eventually come into operation. Of the remaining nine Council members, Roumania appears to be nearest to the point of ratifying; the Convention has been approved by both Chambers of the Netherlands, its ratification by that country only awaiting certain necessary amendments to internal laws, and there are at least some prospects that Japan and Italy will ratify.

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